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EXAMINER

CHUNG, JASON J

ART UNIT PAPER NUMBER

2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/532,755

Applicant(s)

FINSETH ET AL.

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13, 16-47 and 50-52 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 14, 15, 44, 48 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 5, lines 27-28 describes the receiver and states "with respect to figure 4". Figure 4 is an OSP of an EPG, whereas figure 3 describes the receiver. The examiner interprets page 5, lines 27-28 to state "with respect to figure 3".

Appropriate correction is required.

Claim Objections

2. Claim 44 is objected to because of the following informalities: claim 44 states "numbers". The examiner interprets claim 44 to state "number". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 8-10, 16, 17, 19 and 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Knee.

Regarding claim 1, Knee discloses television distribution facility 38 distributes program guide and advertising information to user television equipment via communication paths. User television equipment may include a set top box or television receiver (receive and display). The communication paths may be a satellite link, telephone link, cable link, microwave link, etc. (page 2, paragraph [0023]). Knee discloses each channel and program (each of the plurality of television programs) has a bearing on at least one demographic category has a preselected value (first characterizing information) for each demographic category associated with it (pages 3-4, paragraph [0036]). Knee discloses the advertisements have preselected values (second characterizing information) that indicate the advertiser desire to target advertisements to users that fit a certain profile; Knee discloses two advertisements (plurality of advertisements), each advertisement contains preselected values (second characterizing information) (page 3, paragraph [0031]-[0033]). The program guide data and advertising data is inherently temporarily stored in memory at the users receiver prior to presenting the data to the user. Knee discloses that the user inputs values using a remote control to determine the demographic categories (selection history) (pages 2-3, paragraph [0027]). The demographic categories (selection history) are stored in memory 64 and are classified into different categories (page 3, paragraph [0029]). The user inputs have predetermined weighted values WV, one of which is tuning to a program and watching for at least 5 minutes, which reads on one of a plurality of television programs selected by a user; the weight values are indicative of the effect the corresponding user inputs have on the values of demographic categories (page 3, paragraph [0035]). The demographic category (selection history) is calculated by using an equation that involves both (associated) the value of the predetermined weighted values WV (one of a plurality

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of television programs selected by a user) and the preselected value (first characterizing information) (page 4, paragraph [0040]). Knee discloses that two advertisements (plurality of advertisements) each have preselected values (second characterizing information) and that the preselected values (second characterizing information) is compared to the demographic category (selection history); advertisement #2 is determined to suit the user's demographic category (selection history) over advertisement #1, advertisement #2 for beer is displayed on the user's television instead of advertisement #1, which is for sport utility vehicles (page 3, paragraphs [0032]-[0033]). Beer advertisements (set of plurality of advertisement) will have priority over sport utility vehicle advertisements (set of plurality of advertisement).

Regarding claims 2 and 4, as disclosed in claim 1 rejections, advertisement #2 has a preselected value (second characterizing information or attributes) of 0.7 and targeted to male viewers who are between the ages of 18-40 whereas advertisement #1 is 0.5 and targeted to viewers who make over \$30,000. The choice of selecting advertisement #2 over advertisement #1 reads on calculating a similarity score and selecting advertisement #2 based on the similarity score.

Regarding claim 8, Knee discloses the channel and program have a preselected value (first characterizing information); the preselected value (first characterizing data) is indicative (associating) of the program's indication of how well a user (identify user from plurality of users) fits the demographic category (pages 3-4, paragraph [0036]).

Regarding claim 9, Knee discloses demographic values (selection history) are entered by a user's remote control (pages 2-3, paragraph [0027]). The demographic values (selection history) are stored in memory 64 and are classified into different categories (page 3, paragraph

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[0029]). The user inputs have predetermined weighted values WV, one of which is tuning to a program and watching for at least 5 minutes (predetermined range of time), which reads on one of a plurality of television programs selected by a user; the weight values are indicative of the effect the corresponding user inputs have on the values of demographic categories (page 3, paragraph [0035]).

Regarding claim 10, the limitations in claim 10 have been met in claims 1 and 2 rejections. Claim 10 is directed towards broadcasting/transmitting whereas claims 1 and 2 are directed towards receiving; in order to receive the data must be broadcasted/transmitted.

Regarding claim 16, as disclosed in claim 1 rejections, advertisement #2 has a preselected value (information that characterizes) of 0.7 and targeted to male viewers who are between the ages of 18-40 whereas advertisement #1 is 0.5 and targeted to viewers who make over \$30,000. The choice of selecting advertisement #2 over advertisement #1 reads on calculating a similarity score and selecting advertisement #2 because advertisement #2 has a greater similarity to the viewer; advertisement #2 has a greater similarity score than advertisement #1.

Regarding claim 17, the advertising data is inherently temporarily stored in memory at the users receiver prior to presenting the data to the user, as disclosed in claim 1 rejections; the determination is inherently done prior to temporarily storing the advertising data in memory.

Regarding claim 19, the limitations in claim 19 have been met in claims 2 and 4 rejections.

Regarding claim 45, Knee discloses television distribution facility 38 distributes program guide and advertising information to user television equipment (receiver) via communication paths. User television equipment may include a set top box or television receiver, which reads

on receiving. Knee discloses the program guide data is distributed to the set top boxes periodically (page 2, paragraph [0024]); the program guide data is separated from the advertisements. Knee discloses each channel and program (each of the plurality of television programs) has a bearing on at least one demographic category has a preselected value (program attribute in selection history table) for each demographic category associated with it (pages 3-4, paragraph [0036]). Knee discloses the advertisements have preselected values (advertising attribute) that indicate the advertiser desire to target advertisements to users that fit a certain profile; Knee discloses two advertisements (plurality of advertisements), each advertisement contains preselected values (advertising attribute) (page 3, paragraph [0031]-[0033]). The program guide data and advertising data is inherently temporarily stored in memory at the users receiver prior to presenting the data to the user. Knee discloses demographic values (selection history) are entered by a user using a remote control (pages 2-3, paragraph [0027]). Knee discloses that the user inputs values using a remote control to determine the demographic categories (controller) (pages 2-3, paragraph [0027]). The user inputs have predetermined weighted values WV, one of which is tuning to a program and watching for at least 5 minutes; the weight values are indicative of the effect the corresponding user inputs have on the values of demographic categories (page 3, paragraph [0035]). The demographic category (controller) is calculated by using an equation that involves both (correlation) the value of the predetermined weighted values WV (selection histories (included in selection history table) which contains program attributes) and the preselected value (program attribute) (page 4, paragraph [0040]). Knee discloses that two advertisements (plurality of advertisements) each have preselected values (advertising attribute) and that the preselected values (advertising attribute) is compared

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to the demographic category (controller); advertisement #2 is determined to suit the user's demographic category (controller) over advertisement #1, advertisement #2 for beer is displayed on the user's television instead of advertisement #1, which is for sport utility vehicles (page 3, paragraphs [0032]-[0033]). Beer advertisements (set of plurality of advertisement) will have priority over sport utility vehicle advertisements (set of plurality of advertisement). As disclosed in claim 1 rejections, advertisement #2 has a preselected value (second characterizing information or attributes) of 0.7 and targeted to male viewers who are between the ages of 18-40 whereas advertisement #1 is 0.5 and targeted to viewers who make over \$30,000. The choice of selecting advertisement #2 over advertisement #1 and advertisement #2 being displayed reads on calculating a similarity score and selecting advertisement #2 based on the similarity score.

Regarding claim 46, Knee discloses a remote control that interfaces with input receiver 62 (pages 2-3, paragraph [0027]). Knee discloses the user inputs are received by receiver 62 and can tune (select) to television programs (page 3, paragraph [0034]).

Regarding claim 47, the limitations in claim 47 have been met in claim 17 rejections.

Claims 20, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward.

Regarding claim 20, Ward discloses a method of displaying a plurality of advertisements in windows 14 and 16 (figure 10A and 10B). Ward discloses the EPG can select advertisements stored at the viewer's terminal in a RAM (memory) that has been downloaded (communications link) through the VBI; the advertisements may be in the form of graphics (images) that are customizable (page 19, paragraph [0031]). Ward discloses the viewer can highlight the ad window and doing so will cause additional text describing the product or the future scheduled program to be displayed in the detail box area of the EPG grid guide (page 8, paragraphs [0163]-

0164] and figure 10A and 10B). Ward discloses channel ads have multiple sequential information and the additional information is indicated by an “i” icon; the user can access additional information by pressing the info button (page 13, paragraph [0246]). The user is presented the EPG display and advertising in one window (page 8, paragraph [0061]), which reads on selecting a first advertisement from the stored advertising data. The image modification signal reads on the user highlighting the AD WINDOW 1 (figure 10A). The additional information being displayed in the EPG area (figure 10A) reads on displaying the second image of the first advertisement in response to the image modification signal.

Regarding claim 23, the highlighted (image modification signal) channel ad has show information associated with it and the user can tune directly to the related program by pressing the left action button (page 13, paragraph [0247]); the tuning to the channel will cause the EPG area to display the program of the tuned channel and will cause the second image of the advertisement to be deleted.

Regarding claim 24, Ward discloses the user pressing the watch button which places the show in the Record/Watch Schedule for future auto viewing, the future autoviewing may be set to once, daily, or weekly (page 13, paragraph [0247]); pressing the watch button reads on receiving a user request that identifies a set of info that the user has requested in response to a displayed ad. The request for watching the future scheduled program is stored in memory until just prior to the program being broadcast, the request for watching the program is then retrieved from memory and transmitted to a central processing station to instruct the viewing to occur.

Regarding claim 25, as disclosed in claim 24 rejections, after the request for viewing is transmitted to the central processing station, there inherently is a transmission of a signal

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acknowledging receipt of the user request in order to verify the viewing to be shown to the proper viewer. Once the user starts viewing of the program, the user knows that the watch command has been executed, which reads on displaying a message indicating that the user request has been transmitted. As disclosed in claim 24 rejections, the autoviewing set to once will clear the acknowledged user request from memory after the watch command has been executed once.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 13, 18, 26-34, 38-40, 43-44, 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward.

Regarding claim 3, Knee fails to disclose displaying the advertisement having a similarity score greater than a predetermined threshold similarity score. Ward discloses the ads have different priorities (similarity scores) and they rotate, for example, different ads are presented to the user each time the user enters the same page/section of the guide (page 15, paragraph [0282]). Since there is not an infinite number of advertisements and the finite amount of advertisements are rotated, the finite amount of advertisements inherently have a greater priority (similarity score) than a predetermined threshold. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the advertisements

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have a similarity score greater than a predetermined threshold as taught by Ward so finite amount of advertisements can be presented to the user in a rotation.

Regarding claim 13, the limitations in claim 13 have been met in claim 3 rejections.

Regarding claim 18, Ward discloses the ad being displayed and not being replaced automatically when the ad's end time arrives (beyond a display lifetime) and being replaced when a user causes a new section of the guide to appear (page 15, paragraph [0281]). Ward discloses the ads have different priorities (similarity scores) and they rotate, for example, different ads are presented to the user each time the user enters the same page/section of the guide (page 15, paragraph [0282]). Since there is not an infinite number of advertisements and the finite amount of advertisements are rotated, the finite amount of advertisements inherently have a greater priority (similarity score) than a predetermined threshold. The ads are displayed longer than the display lifetime of 60 seconds since they have a higher similarity score than a predetermined threshold and only change when the user switches sections of the guide. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the advertisements have a similarity score greater than a predetermined threshold as taught by Ward so finite amount of advertisements can be presented to the user in a rotation.

Regarding claim 26, Knee discloses television distribution facility 38 (transmitter) distributes program guide and advertising information to user television equipment via communication paths. User television equipment may include a set top box or television receiver, which reads on receiving. Knee discloses the program guide data is distributed to the set top boxes periodically (page 2, paragraph [0024]); the program guide data is separated from

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the advertisements. Knee discloses each channel and program (each of the plurality of television programs) has a bearing on at least one demographic category has a preselected value (program attribute in selection history table) for each demographic category associated with it (pages 3-4, paragraph [0036]). Knee discloses the advertisements have preselected values (advertising attribute) that indicate the advertiser desire to target advertisements to users that fit a certain profile; Knee discloses two advertisements (plurality of advertisements), each advertisement contains preselected values (advertising attribute) (page 3, paragraph [0031]-[0033]). The program guide data and advertising data is inherently temporarily stored in memory at the users receiver prior to presenting the data to the user. Knee discloses that the user inputs values using a remote control to determine the demographic categories (controller) (pages 2-3, paragraph [0027]). The user inputs have predetermined weighted values WV, one of which is tuning to a program and watching for at least 5 minutes; the weight values are indicative of the effect the corresponding user inputs have on the values of demographic categories (page 3, paragraph [0035]). The demographic category (controller) is calculated by using an equation that involves both (correlation) the value of the predetermined weighted values WV (selection histories (included in selection history table) containing program attributes) and the preselected value (program attribute) (page 4, paragraph [0040]). Knee discloses that two advertisements (plurality of advertisements) each have preselected values (advertising attribute) and that the preselected values (advertising attribute) is compared to the demographic category (controller); advertisement #2 is determined to suit the user's demographic category (controller) over advertisement #1, advertisement #2 for beer is displayed on the user's television instead of advertisement #1, which is for sport utility vehicles (page 3, paragraphs [0032]-[0033]). Beer

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advertisements (set of plurality of advertisement) will have priority over sport utility vehicle advertisements (set of plurality of advertisement).

Knee fails to disclose the receiver separating the plurality of ads from the plurality of programs. Ward discloses the EPG data and advertising data us downloaded to the memory resident at the viewer's television system (page 9, paragraph [0110]). Ward discloses the EPG can select ads are that are stored in the viewer's terminal in RAM (page 19, paragraph [0331]), the EPG is separate from the advertising data and selects the advertising data that is separate from the EPG. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the receiver separate the incoming signal as taught by Ward so the EPG can select advertisements from the user's local RAM.

Regarding claim 27, Knee discloses the demographic category (controller) is calculated by using an equation that involves both (correlation) the value of the predetermined weighted values WV (selection histories (included in selection history table) containing program attributes) and the preselected value (program attribute) (page 4, paragraph [0040]).

Regarding claim 28, Ward discloses theme (category information) guides for the programs (pages 7-8, paragraph [0155]). Ward discloses a shoe (category information) advertisement is related to a basketball program (page 20, paragraph [0337]).

Regarding claim 29, Ward discloses the advertisements may consist of text (keyword and phrases) (page 19, paragraph [0331]). The titles of the program inherently consist of keywords and phrases.

Regarding claim 30, Ward discloses an ad for ESPN sports center (series information) (page 15, paragraph [0283]). Ward discloses the user watching the program ESPN (series information) (page 17, paragraph [0314]).

Regarding claim 31, Ward discloses ads for 3 Burger King (group information) (page 18, paragraph [0323]). Ward discloses the scores for a Boston Red Sox (group information) game (page 18, paragraph [0319]).

Regarding claim 32, the attributes inherently have credits so the viewer will know who sent the advertisement and who produced the program.

Regarding claim 33, Ward discloses an ad for Toyota (name information) (page 15, paragraph [0284]). Ward discloses the user being presented different programs (name information) in EPG cells (figure 1).

Regarding claim 34, Ward discloses the advertisements may have audio clips (advertising objects) (page 19, paragraph [0331]), the audio clip points to an audio file (content object) that describes the ad in an audio file.

Regarding claim 38, Knee discloses advertisement #2 has a preselected value (attributes) of 0.7 and targeted to male viewers who are between the ages of 18-40 whereas advertisement #1 is 0.5 and targeted to viewers who make over \$30,000 (page 3, paragraphs [0031]-[0033]). The choice of selecting advertisement #2 over advertisement #1 reads on calculating a similarity score and selecting advertisement #2 based on the similarity score. Knee fails to disclose replacing the lowest similarity score with the subsequently received advertisement

Ward discloses the ads being assigned a priority (similarity score) and rotated every time the user views a page; when the viewer views the page for a second time the second priority

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(second highest similarity score) ad is displayed (page 15, paragraph [0282]), the previous ad is no longer high priority (high similarity score) which reads on replacing the lowest similarity score with the subsequently received advertisement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to replace the lowest similarity score with the subsequently received advertisement as taught by Ward so the user will not be presented the same ad twice in a row.

Regarding claims 39-40, Ward discloses a method of displaying a plurality of advertisements in windows 14 and 16 (figure 10A and 10B). Ward discloses the EPG can select advertisements stored at the viewer's terminal in a RAM (memory) that has been downloaded (communications link) through the VBI; the advertisements may be in the form of graphics (images) that are customizable (page 19, paragraph [0031]). Ward discloses the viewer can highlight the ad window and doing so will cause additional text describing the product or the future scheduled program to be displayed in the detail box area of the EPG grid guide (page 8, paragraphs [0163-0164] and figure 10A and 10B). Ward discloses channel ads have multiple sequential information and the additional information is indicated by an "i" icon; the user can access additional information by pressing the info button (page 13, paragraph [0246]). The user is presented the EPG display and advertising in one window (page 8, paragraph [0061]), which reads on selecting a first advertisement from the stored advertising data. The image-altering signal modifying the advertisement images reads on the user highlighting the AD WINDOW 1 (figure 10A).

Regarding claim 43, the highlighted (image modification signal) channel ad has show information associated with it and the user can tune directly to the related program by pressing

the left action button (page 13, paragraph [0247]); the tuning to the channel will cause the EPG area to display the program of the tuned channel and will cause the second image of the advertisement to be deleted.

Regarding claim 44, Ward discloses the ads being assigned a priority (similarity score) and rotated every time the user views a page; when the viewer views the page for a second time the second priority (second highest similarity score) ad is displayed (page 15, paragraph [0282]). The advertisements rotating every time a user views a page again inherently has a counter counting (statistical information) the number of advertisements that have gone through the cycle and when to start the cycle over again and the information is sent to a headend in order to determine what advertisement to send next. Ward discloses the advertisements can be at the headend and downloaded to the user's site (page 19, paragraph [0331]).

Regarding claim 50, Knee fails to disclose the limitations in claim 50. Ward discloses the user pressing the watch button which places the show in the Record/Watch Schedule for future auto viewing, the future autoviewing may be set to once, daily, or weekly (page 13, paragraph [0247]); pressing the watch button reads on receiving a first request for info in response to a displayed ad. The request for watching the future scheduled program is stored in memory until just prior to the program being broadcast, the first request for watching the program is then retrieved from memory and transmitted to a central processing station to instruct the viewing to occur. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the first request for info for ads and storing the first request in memory and conveying the first request to a central processing station as taught by Ward in order to watch future scheduled programming.

Regarding claim 51, Ward discloses the EPG can distinguish between individual viewers and develops individual profiles by using individual PINs (uniquely identified serial number) or individual remotes (page 16, paragraph [0299]), which communicates first request to central processing station as disclosed in claim 50 rejections; the individual remotes inherently communicate the receivers serial number along with the first request to the central processing station in order to distinguish the individual from other individuals.

Regarding claim 52, as disclosed in claim 50 rejections, after the request for viewing is transmitted to the central processing station, there inherently is a signal received from the central processing station that communicates the status of the first request in order to verify the viewing to be shown to the proper viewer. Once the user starts viewing of the program, the user knows that the watch command has been executed, which reads on displaying a message indicating that the first request has been transmitted. As disclosed in claim 24 rejections, the autoviewing set to once will delete the first request from memory after the watch command has been executed once.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Berezowski.

Regarding claim 5, Knee fails to disclose adjusting display parameters for advertisements. Berezowski discloses the promotional information region (display parameter for advertisement) can be increased or decreased while the program guide is decreased or increased respectively (column 2, lines 30-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the display parameter for the advertisement adjustable as taught by Berezowski to give the user the option of viewing more or less channels on the program guide.

Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Davis.

Regarding claims 11-12, Knee fails to disclose repeating the advertisement. Knee fails to disclose prioritizing the commercials and displaying the commercials in order of priority. Davis discloses repeating promotion cycles (advertisements) more frequently if they have a higher priority and displaying the rest of the promotion in descending order of priority (column 13, lines 29-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the advertisements prioritized and the higher priority commercials playing more frequently as taught by Davis so a user can be presented previews for upcoming PPV events.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Berezowski.

Regarding claims 21-22, Ward fails to disclose adjusting display parameters for advertisements. Berezowski discloses the promotional information region (display parameter for advertisement) can be increased or decreased while the program guide is decreased or increased respectively (column 2, lines 30-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ward to have the display parameter for the advertisement adjustable as taught by Berezowski to give the user the option of viewing more or less channels on the program guide.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward.

Regarding claim 35, Ward discloses ads may be accessible through an EPG link to the Internet/World Wide Web and the ads may be audio files (ad object) (page 19, paragraph [0331]). Neither Knee nor Ward disclose HTML object. The examiner takes Official Notice that using HTML to link objects together is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee in view of Ward to have HTML linking the audio file to the ad so the user can store the audio file at the Internet headend and access it during time of use thereby saving memory at the user terminal.

Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward in further view of Pollack.

Regarding claims 36-37, Knee discloses a remote control interacting with the user input receiver (pages 2-3, paragraph [0027]). Knee discloses the user interfaces with user input receiver 62 and has to tune to the program for at least 5 minutes before tuning to another program in order for the selection to have a weighted value (part of selection history table) (page 3, paragraph [0035]) in order to determine the appropriate commercial as disclosed in claim 26 rejections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the lower limit be 5 minutes so the system knows the user is not skipping through channels as taught by Ward in order to use the weighted value for calculating a demographic category.

Neither Knee nor Ward discloses the upper limit of 12 hours. Pollack discloses that a user has a sleep timer function be reset and restarted in response to an indication that the user is still awake such as the user inputting functions a on remote control, the user would cause the

time delay period of the sleep timer to be reset when inputting commands on a remote control (column 1, lines 50-60). Pollack discloses the volume is gradually reduced before turning off the receiver (abstract). Pollack discloses the duration of the sleep timer is from 11:00 PM to 6:00 AM (figure 4), which is duration of 7 hours; the user leaving the TV ON without remote control interaction would cause the TV to be ON for 17 hours. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee in view of Ward to have a duration of 12 hours without user interaction to cause the TV to turn off as taught by Pollack so the viewer can gradually fall asleep with the aid of the sleep timer gradually reducing volume before turning off the receiver.

Claims 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward in further view of Berezowski.

Regarding claims 41-42, neither Knee nor Ward disclose adjusting display parameters for advertisements. Berezowski discloses the promotional information region (display parameter for advertisement) can be increased or decreased while the program guide is decreased or increased respectively (column 2, lines 30-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee in view of Ward to have the display parameter for the advertisement adjustable as taught by Berezowski to give the user the option of viewing more or less channels on the program guide by varying the promotional window area.

Allowable Subject Matter

5. Claims 6, 7, 14, 15, 48, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

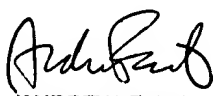
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klosterman discloses an EPG with ads in US Patent # 6,469,753. Thompson discloses an EPG with promotional logos in US Patent # 6,160,546. Barrett discloses programs in an EPG with similarity scores in US Patent # 6,005,597. Klosterman discloses an EPG with ads in US 2002/0092017 A1. Knudson discloses an EPG with Ads in US 2002/0120933 A1. Alten discloses an EPG with promotional windows in US Patent # 5,635,978. Kimoto discloses an EPG with ads in US 2002/0049972 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.


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